## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE KING COUNTY, Civil Action No. 2:14-cv-01957-BJR Plaintiff, ORDER DENYING DEFENDANTS' v. MOTION FOR A PROTECTIVE ORDER AND GRANTING PLAINTIFF'S CROSS-TRAVELERS INDEMNITY CO., MOTION TO COMPEL PROVIDENCE WASHINGTON INSURANCE CO., et al., Defendants.

Having conducted a telephonic discovery conference on February 13, 2018, at which Plaintiff was represented by Paul Del Vechhio and Defendants Lexington Insurance Company and National Union Fire Insurance Company of Pittsburgh (collectively "AIG") were represented by Linda Clapham, and having reviewed the parties' briefing, the Court DENIES AIG's motion for protective order (Dkt. 640) and GRANTS Plaintiff's cross-motion to compel (Dkt. 648), with the following clarifications. First, AIG shall produce any non-privileged claim files for the period of 2013 through 2016. Plaintiff may inquire, to the extent possible, as to AIG's subjective understanding of this 1997 Agreement. However, any exploration of AIG's subjective

interpretation of the original policy is excluded. Interpretation of the current policy at issue is a matter for the Court, and, therefore, not an appropriate subject of discovery. The Court also excludes from discovery the questions of AIG's re-insurance and reserves.

Plaintiff is entitled to pursue discovery surrounding AIG's affirmative defenses, including those involving notice and statute of limitations. The Court anticipates that with the parameters set forth above, the discovery Plaintiff seeks will be neither extensive nor costly.

Dated this 13<sup>th</sup> day of February, 2018.

Barbara J. Rothstein

BARBARA J. ROTHSTEIN UNITED STATES DISTRICT JUDGE